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VIRGINIA LAW REVIEW

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FOREWORD.—With this number the VIRGINIA LAW REVIEW begins its third volume. During the present session it is our purpose to pursue the same general policy which has been followed in the past. Just as in previous volumes, the work will not be confined to the local law of Virginia, but there will be a continuation of the policy of commenting upon the recent decisions of the courts of last resort in the entire country. The same relative proportions between the several departments will be preserved in so far as is possible. The Notes and Recent Decisions will be entirely the work of the members of the Board—undergraduates in the Law School—and the leading articles will be prepared by members of the Bench and Bar and by members of the Faculty of the Law School. We wish to take this opportunity of acknowledging the debt of gratitude which we owe to those who have contributed leading articles. It is to them that any success attained by the VIRGINIA LAW REVIEW should properly be attributed.

THE LAW SCHOOL.—At the date of going to press the enrollment in the Law School numbers 241, which is a slight decrease from the number at a corresponding time last session.

The following table indicates the enrollment by states :

Alabama	4	Missouri	5
Arizona	1	Nevada	1
Arkansas	4	New Jersey	6
California	3	New York	5
Colorado	1	North Carolina	4
Connecticut	1	Ohio	2
District of Columbia	4	Oklahoma	1
Florida	4	Oregon	1
Georgia	6	Pennsylvania	2
Indiana	2	South Carolina	6
Kentucky	8	Tennessee	6
Louisiana	3	Texas	12
Maryland	5	Virginia	126
Massachusetts	1	Washington	1
Mississippi	3	West Virginia	13
		Total	241

There have been no material alterations in the curriculum, and no changes in the Faculty.

LIABILITY OF COUNTIES AND OF COUNTY HIGHWAY OFFICIALS FOR INJURIES RESULTING FROM DEFECTIVE HIGHWAYS.—It is practically the universal rule in the United States to hold cities and corporate towns to a strict liability in cases of personal injuries resulting from defects in highways. Counties, on the other hand, are held not liable with almost equal unanimity. The arguments on principle for fixing this liability on cities, while counties are exempt from it, are not impressive, but the liability of cities is so well settled that discussion would not be profitable.

The non-liability of counties was originally settled on the authority of the case of *Russell v. Men of Devon*.¹ Although it is now generally admitted that there is little analogy between an English shire of the eighteenth century and an American county, the rule has been steadily adhered to on various grounds of justification. It is usually said that counties are involuntary political subdivisions of the state, organized for governmental purposes, and hence should be no more liable for the acts or omissions of their officers than the state itself.² But arguments of a practical nature carry more weight. It has been urged that if counties are held liable for such injuries, they would be in danger of bankruptcy from the vast number of actions which would arise.³ The best ground on which to base the rule is probably that of policy. If the liability were upon the counties, the local highway officers would

¹ 2 Term R. 667, 100 Eng. Reprint 359.

² *Board v. Allman*, 142 Ind. 573, 42 N. E. 206; *James v. Wellston Township*, 18 Okla. 58, 90 Pac. 100, 13 L. R. A. (N. S.) 1219; *Snethen v. Harrison County* (Iowa), 152 N. W. 12.

³ *Cones v. Benton County*, 137 Ind. 404, 37 N. E. 272.